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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,719	07/13/2000	REI MIYAMOTO	FQ5-481	4797

466 7590 11/24/2003

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EXAMINER
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NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 11/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/615,719

Applicant(s)

MIYAMOTO, REI

Examiner

Toan D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-7.                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Soumiya et al. (U.S. Patent 5,583,857).

For claim 1, Soumiya et al. disclose connection admission control method and system in a network for a bandwidth allocation based on the average cell rate, comprising the steps of:

a) receiving a QoS (Quality of Service) specified connection request (figure 1, col. 7 lines 19-26);

b) calculating an assigned bandwidth on a link associated with the QoS-specified connection request (col. 7 lines 26-31);

c) calculating an estimated bandwidth to be assigned to an existing QoS-unspecified traffic on the link associated with the QoS-specified connection request (col. 7 lines 31-36); and

d) determining whether the QoS-specified connection request is accepted, based on a combination of the assigned bandwidth and the estimated bandwidth (col. 7 lines 36-38).

For claim 2, Soumiya et al. disclose wherein in the step (c), the estimated bandwidth on the link is obtained based on an average QoS-unspecified traffic of each QoS-unspecified virtual connection existing on the link associated with the QoS-specified connection request (figure 5, col. 13 lines 5-29).

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For claim 3, Soumiya et al. disclose wherein the average QoS-unspecified traffic is calculated by adding up existing QoS-unspecified traffics obtained at predetermined sampling time intervals (figure 3, col. 13 lines 5-29 and col. 30-37).

For claim 6, Soumiya et al. disclose connection admission control method and system in a network for a bandwidth allocation based on the average cell rate, comprising the steps of:

a traffic monitor for monitoring a QoS unspecified traffic for each QoS-unspecified connection existing on each link (figure 1, col. 7 lines 31-36);

a memory for storing a cell traffic management table containing an average OoS-unspecified traffic for each QoS-unspecified connection existing on each link (col. 10 lines 1-6 and col. 10- lines 29-61); and

a call admission manager (figure 18, col. 16 lines 54-55) for calculating an estimated bandwidth by adding up average QoS-unspecified traffics for all existing QoS-unspecified connections on a link associated with a QoS-specified connection request (figure 3, col. 13 lines 5-29 and col. 30-37), wherein the estimated bandwidth is a bandwidth to be assigned to the existing QoS-unspecified connections on the link, and determining whether the QoS-specified connection request is accepted, based on a combination of the estimated bandwidth and an assigned bandwidth that is already assigned in the link (col. 7 lines 36-38).

For claim 7, Soumiya et al. disclose wherein an average QoS-unspecified traffic is calculated by adding up existing QoS-unspecified traffics obtained at predetermined sampling time intervals (figure 3, col. 13 lines 5-29 and col. 30-37).

For claim 9, Soumiya et al. disclose connection admission control method and system in a network for a bandwidth allocation based on the average cell rate, comprising the steps of:

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a traffic monitor for monitoring a QoS-unspecified traffic for each QoS-unspecified connection existing on each link (figure 1, col. 7 lines 31-36);

a calculator for adding up existing OoS-unspecified traffics obtained at predetermined sampling time intervals to produce a first average QoS-unspecified traffic, and calculating the estimated bandwidth by averaging a predetermined number of first average QoS unspecified traffics stored (figure 3, col. 13 lines 5-29 and col. 30-37);

a memory for storing a call traffic management database sequentially containing a first average QoS-unspecified traffic each time a QoS-unspecified connection is established at the ATM switch (col. 10 lines 1-6 and col. 10- lines 29-61); and

a call admission manager (figure 18, col. 16 lines 54-55) for calculating an estimated bandwidth by adding up first average Qos-unspecified traffics for all existing QoS-unspecified connections on a link associated with a QOS-specified connection request (figure 3, col. 13 lines 5-29 and col. 30-37), wherein the estimated bandwidth is a bandwidth to be assigned to the existing QOS-unspecified connections on the link, and determining whether the Qos-specified connection request is accepted, based on a combination of the estimated bandwidth and an assigned bandwidth that is already assigned in the link (col. 7 lines 36-38).

### ***Allowable Subject Matter***

3. Claims 4-5, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Contact Information***

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

*Toan D. Nguyen*

Toan D. Nguyen